

REMARKS/ARGUMENTS

In section 2 of the office action, claims 1, 8-10, 11, 18-20, 23, 26-28, and 30-31 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dutt et al. (USP 6,202,114) in view of Dobbins et al. (USP 5,825,722) and Stone (USP 6,041,057). Applicant respectfully traverses the rejection.

Dutt discloses, in Figure 11, a method for handling inferior BPDU (Bridge Protocol Data Unit) packets that are received on a root port or a block port of a bridge. A spanning tree packet, known as RLQ-REQ BPDU, is transmitted to all paths to the root bridge in order to determine the available existing paths to root bridge. Therefore, Dutt does not disclose nor suggest a method or network switch where a "first acknowledgment packet is used to establish a broadcast path from the edge switch to the receiving switch", as recited in claim 1 and in claim 11. Note that claim 1 is being amended to recite the elements in claim 27, and claim 27 is being cancelled. Claim 11 is being amended to recite the elements in claim 30, and claim 30 is being cancelled.

Dutt discloses, in Figure 12, a method for handling the RLQ-REQ BPDU, where an acknowledgement BPDU, known as RLQ-ACK, indicates that a path to the root bridge has been found. Otherwise, a negative acknowledgement BPDU, known as RLQ-NAK, is transmitted. Therefore, Dutt does not disclose nor suggest a method or network switch where a "first acknowledgment packet is used to establish a broadcast path from the edge switch to the receiving switch", as recited in claim 1 and in claim 11.

Dutt discloses, in Figure 6b, a transmit process for the spanning tree protocol, where BPDUs are sent on each

designated port after expiry of the hello timer. Dutt does not disclose nor suggest a method or network switch where a *"first acknowledgment packet is used to establish a broadcast path from the edge switch to the receiving switch"*, as recited in claim 1 and in claim 11.

The Examiner correctly admits in the final office action that Dutt in view of Dobbins does not disclose a broadcast learn flag in an acknowledgement packet. In an attempt to overcome the deficiency of the Dutt-Dobbins combination, the Examiner relies on Stone to show various alleged features.

Stone is directed to neighboring switches that enable links for tag switching by sending a hello request with a range of proposed tag values for use on a particular link. Hello requests 500 are acknowledged by hello responses 600 (Figure 6). As a result of this link enablement, switches learn the available links for use when requesting tagged virtual connections for forwarding end-user messages. Thus, Stone discloses the transmission of hello requests 500, and transmission of hello responses 600 to the requests 500, where the hello responses 600 accepts or rejects the request to enable a link for tag switching; when a link is enabled for tag switching, the switch that sent the hello request 500 can perform tag switching with a neighboring switch that sent hello response 600 on the link. The tag switching permits tagged virtual connections between source switches and destination switches on the edge of an asynchronous transfer mode (ATM) network. Therefore, Stone discloses a hello response packet 600 that is used only to enable tag switching between two neighboring switches. Stone does not disclose nor suggest a method or network switch where a *"first acknowledgment packet is used to establish a broadcast path from the edge switch to the receiving*

switch", as recited in claim 1 and in claim 11. Note that claim 1 is being amended to recite the elements in claim 27, and claim 27 is being cancelled. Claim 11 is being amended to recite the elements in claim 30, and claim 30 is being cancelled.

Accordingly, claim 1 and claim 11 are each patentable over the combination of Dutt, Dobbins, and Stone.

Furthermore, Stone does not disclose nor suggest a method or network switch where *"the edge switch can receive a second acknowledgment packet subsequently to receiving the first acknowledgment packet, and wherein the second acknowledgement packet will not include a set broadcast learn flag"*, as recited in claim 28 and 31.

Accordingly, claim 28 and claim 31 are each patentable over the combination of Dutt, Dobbins, and Stone.

Furthermore, it would not have been obvious to modify Dutt with Dobbins and Stone because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). - For example, there is no suggestion in the references on how to modify the elements in the Dutt to perform the step of *"constructing a pruned broadcast tree by propagation of dynamic cost information packets from edge switches, wherein a dynamic cost information packet is sent by an edge switch and a receiving switch sends back a first acknowledgement packet to the edge switch in response to first dynamic cost information packet, and wherein the first acknowledgement packet will have a set broadcast learn flag to inform the edge switch that broadcast packets will be transmitted from a particular port of the edge switch, where the particular port has received the first acknowledgement*

packet with the set broadcast learn flag". Furthermore, Dutt and Dobbins and Stone do not suggest or disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the elements disclosed in Dutt to perform the various steps in claim 1 or claim 11. Therefore, the modification of Dutt, as suggested in the Office Action, is improper.

Accordingly, claim 1 and 11 are each patentable over the combination of Dutt and Dobbins and Stone.

Claims 8-10, 18-20, 23, 26-28, and 30-31 depend from claim 1 or claim 11 and are patentable over the combination of Dutt and Dobbins and Stone for at least the same reasons that claim 1 or claim 11 are each patentable over the same combination.

Each of the claims 8-10, 18-20, 23, 26-28, and 30-31 further distinguishes over the combination of Dutt and Dobbins and Stone by reciting additional features.

Accordingly, each of the claims 8-10, 18-20, 23, 26-28, and 30-31 are each patentable over the combination of Dutt and Dobbins and Stone.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

In section 3 of the office action, claims 2-7 and 12-17 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dutt in view of Dobbins and Stone as applied to claims 1 or 11, and further in view of Allon et al. (USP 5,539,883). Applicant respectfully traverses the rejection.

Claims 2-7 and 12-17 depend from claim 1 and claim 11, respectively and are patentable over the combination of Dutt and Dobbins for at least the same reasons that claim 1 is patentable over the same combination.

Each of the claims 2-7 and 12-17 further distinguishes over the combination of Dutt and Dobbins and Stone and Allon by reciting additional features.

Furthermore, it would not have been obvious to modify Dutt with Dobbins and Stone and Allon because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For example, there is no suggestion in the references on how to modify the elements in the Dutt to perform the steps recited in claims 2-7 or claims 12-17. Furthermore, Dutt and Dobbins and Stone and Allon do not suggest or disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the elements disclosed in Dutt to perform the various steps in claims 2-7 or claims 12-17. Therefore, the modification of Dutt, as suggested in the Office Action, is improper.

Accordingly, each of the claims 2-7 and 12-17 is patentable over the combination of Dutt and Dobbins and Stone and Allon.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

In section 9 of the office action, claims 29 and 32 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dutt in view of Dobbins and Stone as applied to claims 1 or 11, and further in view of Lamport et al. (USP 5,138,615). Applicant respectfully traverses the rejection.

The Examiner correctly admits that Dutt in view of Dobbins and Stone does not disclose recomputing a broadcast tree in response to detecting a fault. In an attempt to overcome the deficiency of the Dutt-Dobbins-Stone combination, the Examiner relies on Lamport to show various alleged features.

However, Lamport discloses the changing of a configuration version number (known as "Epoch") on each switch when there is a detected change in the network. Each switch also deletes stored information about the configuration of the network. (see Lamport, column 39, lines 3-9). Lamport does not disclose nor suggest a method where, *"in response to a link failure, constructing a new pruned broadcast tree, including receiving a new dynamic cost information packet, removing all broadcast paths to other switches, and sending a new acknowledgement packet in response to the new dynamic cost information packet in order to establish a new broadcast path"*, as recited in claim 29 or claim 32.

Furthermore, claims 29 and 32 depend from claim 1 and claim 11, respectively and are patentable over the combination of Dutt and Dobbins and Stone for at least the same reasons that claim 1 is patentable over the same combination.

Each of the claims 29 and 32 further distinguishes over the combination of Dutt and Dobbins and Stone and Lamport by reciting additional features.

Furthermore, it would not have been obvious to modify Dutt with Dobbins and Stone and Lamport because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For example, there is no suggestion in

the references on how to modify the elements in the Dutt to perform the steps recited in claim 29 or claim 32.

Furthermore, Dutt and Dobbins and Stone and Lamport do not suggest or disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the elements disclosed in Dutt to perform the various steps in claim 29 or claim 32. Therefore, the modification of Dutt, as suggested in the Office Action, is improper.

Accordingly, each of the claims 29 and 32 is patentable over the combination of Dutt and Dobbins and Stone and Lamport.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

For the above reasons, Applicant respectfully requests allowance of all pending claims.


If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is respectfully requested to specifically point out where such teachings may be found.

CONTACT INFORMATION


If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805)681-5078.

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